



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/19/03
Af
3738

Applicant: Thomas David Starkey
Serial No: 10/619,985
Filed: July 15, 2003
For: A Device And Method To Limit Filling Of The Heart
Group Art Unit: 3738
Examiner: Bruce Edward Snow
Attorney's Docket No: N9464-ICW
Customer No: 23456

STATEMENT OF COMPLIANCE UNDER RULE 78(f)(2)

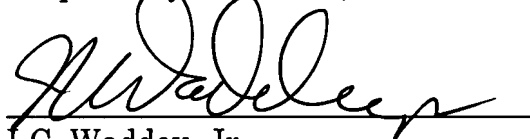
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The present application has a co-pending application with the same effective filing date, namely Application Serial No. 11/350,480. The '480 Application is a Divisional of this Application based on a Restriction/Election Requirement by the Examiner. This case contains claims to the initially elected invention, and the '480 case contains claims directed to the non-elected invention. Therefore, this case is entitled to five independent claims, and 25 dependent claims. Since this case has only four claims, namely independent claims 31, 32, 33, and 34, and the claims of the '480 application are by definition patentably distinct from these claims, the case is in compliance with Rule 78(f)(2).

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,



I.C. Waddey, Jr.
Registration No. 25,180
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456

ATTORNEY FOR APPLICANT

I.C. Waddey, Jr.
Waddey & Patterson
414 Union Street, Suite 2020
Bank of America Plaza
Nashville, TN 37219
(615) 242-2400

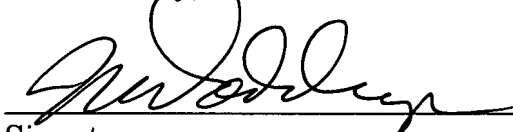
CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Statement Of Compliance Under Rule 78(F)(2) is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on October 18, 2007.

I. C. Waddey, Jr.



Signature
Registration Number 25,180